

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JARED MASON,

Defendant.

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CASE NO. 8:09CR125

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 32) issued by Magistrate Judge Thomas D. Thalken recommending denial of the Defendant's motion to suppress (Filing No. 20). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrImR 57.3(a).

The Defendant, Jared Mason, seeks an order suppressing: evidence obtained during the April 20, 2009, search of a residence on North Ridge Drive in Omaha; and statements made at police headquarters.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrImR 57.3 the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 21, 23) and the transcript (Filing No. 31). The Court has also viewed the evidence. (Filing No. 28.)

Judge Thalken concluded: Mason lacks standing to the residence in question; even if Mason had standing, the property owner consented to the search; Mason's statements were voluntary; and Mason's statements followed advice of his *Miranda* rights. Because Judge fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 32) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 20) is denied.

DATED this 10th day of August, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge